

REMARKS

In the Office Action, the Examiner: (1) allowed claims 1, 95, 142, 191, 544, 546, 548, 550, 557, 559, 561, 607, 609, 611, 613, 616, 618, 620, 622, 624, 645, 647, 649, 651, 654, 656, 658, 660, 662, 677, 681, 683, 685, 687, 689, 692, 694, 696, 698, 700, 778-788, and 832; (2) rejected claims 338, 789-791, 796, 801, 807, 814-818, 824-826, 833, and 834 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,598,678, issued to Simpson et al. (hereinafter "Simpson"); (3) rejected claim 50 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 7,383,889, issued to Ring et al. (hereinafter "Ring"); (4) rejected claims 752, 753, and 754 under 35 U.S.C. § 103(a) as being unpatentable over Simpson; and (5) objected to claims 576, 579, 581, 583, 585, 587, 595, 597, 599, 755-758, 792-795, 797-800, 802-806, 808-813, 819-823, 827-831, 835, and 836 as being dependent upon a rejected base claim, but found these claims would be allowable if rewritten in independent form, including all of the limitations of their base claim and any intervening claims. Applicants respectfully request reconsideration in view of the attached amendments and the remarks that follow.

I. Status of the Claims

Pending claims: 1, 50, 95, 142, 191, 338, 544, 546, 548, 550, 557, 559, 561, 576, 579, 581, 583, 585, 587, 595, 597, 599, 607, 609, 611, 613, 616, 618, 620, 622, 624, 645, 647, 649, 651, 654, 656, 658, 660, 662, 677, 679, 681, 683, 685, 687, 689, 692, 694, 696, 698, 700, 752-758, and 778-836.

Previously canceled claims: 2-49, 51-94, 96-141, 143-190, 192-337, 339-543, 545, 547, 549, 551-556, 558, 560, 562-575, 577, 578, 580, 582, 584, 586, 588-594, 596, 598, 600-606, 608, 610, 612, 614, 615, 617, 619, 621, 623, 625-644, 646, 648, 650, 652, 653, 655, 657, 659, 661, 663-676, 678, 680, 682, 684, 686, 688, 690, 691, 693, 695, 697, 699, 701-751, and 759-777.

Allowed claims: 1, 95, 142, 191, 544, 546, 548, 550, 557, 559, 561, 607, 609, 611, 613, 616, 618, 620, 622, 624, 645, 647, 649, 651, 654, 656, 658, 660, 662, 677, 681, 683, 685, 687, 689, 692, 694, 696, 698, 700, 778-788, and 832.

Currently amended claims: 338, 576, 579, 581, 583, 585, 587, 595, 789, 790, 792, 797, 798, 800, 802, 808, 814, 815, 833, and 835.

Claims canceled by this Response: 50, 791, 796, 799, 801, 807, 824-831, and 834.

II. Allowable Subject Matter

The Examiner objects to claims 576, 579, 581, 583, 585, 587, 595, 597, 599, 755-758, 792-795, 797-800, 802-806, 808-813, 819-823, 827-831, 835, and 836 as being dependent upon a rejected base claim, but found these claims would be allowable if rewritten in independent form, including all of the limitations of the base claim and any intervening claims.

Claims 576, 595, 792, 797, 802, 808, and 835 are currently amended such that they are now rewritten in independent form, including all of the limitations of their now-canceled base claims and any intervening claims. Applicants believe these claims as amended are in condition for allowance.

With the exception of claims 755-758, the remaining claims identified above as objected to by the Examiner depend from one of claims 576, 595, 792, 797, 802, 808, and 835. Thus, Applicants believe these claims are also in allowable form.

Claims 755-758 depend from claim 338, discussed below.

III. Claims Rejected as Anticipated by Simpson

The Examiner rejects claims 338, 789-791, 796, 801, 807, 814-818, 824-826, 833, and 834 as anticipated by Simpson.

Claim 338 is currently amended to recite, "wherein the radially expanding and plastically deforming the tubular member comprises pulling an expansion device through the tubular member with a first actuator and pushing the expansion device through the tubular member with a second actuator." Simpson does not disclose this limitation. Therefore, Simpson does not anticipate claim 338 or its dependent claims 755-758.

Each of claims 789 and 790 are currently amended to recite an actuator for displacing the expansion device relative to the support member, wherein the actuator comprises a first actuator for pulling the expansion device and a second actuator for pushing the expansion device. Simpson does not disclose the claimed actuator. Therefore, Simpson does not anticipate these claims.

Claims 814 and 815 are currently amended to depend from claim 797, which for reasons presented above, Applicants believe is in condition for allowance. Thus, Applicants believe claims 814-818 are also in allowable form.

Claim 833 is currently amended to require the actuator a first actuator for pulling the expansion device and a second actuator for pushing the expansion device. As previously noted in regards to claims 789 and 790 above, Simpson does not disclose the claimed actuator. Therefore, Simpson does not anticipate claim 833.

Claims 791, 796, 801, 807, 824-826, and 834 have been canceled.

IV. Claim Rejected as Anticipated by Ring

The Examiner rejects claim 50 as anticipated by Ring. Claim 50 has been canceled.

V. Claims Rejects as Obvious over Simpson

The Examiner rejects claims 752-754 as obvious over Simpson. Each of claims 752-754 depends from claim 338, which for reasons presented above, Applicants believe is in condition for allowance. Therefore, Applicants believe claims 752-754 are also in allowable form.

VI. Claim 679

In the "Disposition of Claims" included within the Office Action dated July 6, 2009, the Examiner did not identify the status of claim 679. Claim 679 has not been canceled and thus is pending. Also, claim 679 depends from claim 677, which the Examiner has allowed. Therefore, the Applicant believes claim 679 also stands allowed, but was inadvertently left out off the list of allowed claims on the continuation sheet (page 2) of the Office Action.

CONCLUSION

Applicants respectfully request reconsideration, withdrawal of the claim objections and rejections, and that a timely Notice of Allowance be issued in this case. It is believed that each ground of rejection raised in the Office Action dated July 6, 2009 has been fully addressed. It is believed that no extensions of time or fees are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required (including fees for net addition of claims) are hereby authorized to be charged to Deposit Account Number 03-2769 (2725-27706).

Appl. No. 10/553,566
Amdt. Dated September 22, 2009
Reply to Office Action of July 6, 2009

Respectfully submitted,

/David A. Rose/

David A. Rose
Reg. No. 26,223
CONLEY ROSE, P.C.
P. O. Box 3267
Houston, TX 77253-3267
(713) 238-8000 (Phone)
(713) 238-8008 (Fax)
ATTORNEY FOR APPLICANTS